

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
NOVEMBER 19, 2012**

ATTENDANCE: First Selectman Jayme Stevenson; David Bayne, David Campbell,
John Lundeen, Gerald Nielsen.

STAFF: Karl Kilduff, Administrative Officer

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:45 p.m. and stated that the Selectmen as listed were in attendance, and there was a quorum present.

FIRST SELECTMAN'S REPORT

First Selectman Stevenson read her report as follows:

1. New RTM seated on 11/13: Welcome to all the newly-elected members and thank you to retiring members for your service. Special thank you to Karen Armour for her 30 years on the RTM, 10 years as Moderator. It is this kind of selfless volunteerism that keeps our town running smoothly, and we truly appreciate everything she's done for Darien. Welcome to Sarah Seeley as our new Moderator.
2. SWRPA has agreed that modification to 8-30g Affordable Housing Statue should be a legislative priority for the coming legislative session. Jeremy Ginsberg and I are working with members of SWRPA to draft the language for SWRPA's proposed amendment, and will share when it is a final draft approved by SWRPA.
3. Super Storm Sandy:

On 11/16/12 there was an after action meeting of the EOC to review what improvements need to be made in advance of the next event. Some needed improvements include:

- Shelter Task Force
- Improved software for managing road closure and work complete
- Capital needs (improvements to generators at DHS, Town Hall and possibly the PW Garage, signs and other traffic safety aids, satellite connection for EOC), fuel capacity
- Private Association information and liaison
- CL&P feedback — Emergency access priorities, DOT relationship, advance notice on what assets the town needs to provide to support line crews, PR liaison
- Working closely with residents who need to repair/rebuild their homes — FEMA, Planning & Zoning
- No cost numbers on the financial impact to the town — FEMA process for municipalities begins on 11/27/12.

Thank-you's are extended to: EOC personnel and town employees for stepping up in less than ideal conditions, Darien Police Department, Darien Public Schools personnel (Dr. Falcone), Post 53, Volunteer Fire Departments, Library, YMCA, Shelter Volunteers (Sandra Volin), Papa Joes (for feeding PW staff), town residents for their patience and for all the many acts of kindness and generosity to those in need and to the folks working hard to recover — these are the things that make Darien so great. A special thank you was added to Marc McEwan as our Emergency Management Director who did a great job working with me to manage the many unique challenges in a disaster of this magnitude.

Mr. Bayne asked if there was going to be a formal written report, and First Selectman Stevenson replied that at some point there would be an After Action Report released.

Mr. Lundeen suggested that the Scouts be added for their many contributions including helping with the Emergency Shelter set up.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff stated that with regard to storm-related restoration, his office is still working through insurance claim adjusters in aspects of flood, property, facilities and they are pursuing appropriate action to secure financial resources necessary to process these claims. He added that they need to evoke power supply credit in the loss of consumption of power purchased, and they are working on this credit adjustment.

Mr. Kilduff added that he and Mr. Lundeen met with DEEP staff on the STEEP grant for Gorham's Pond and an update report will be forthcoming. He added that budget development process is starting with sub-committee meetings next month and they have begun compiling information for the budget meetings by the end of January.

Mr. Kilduff stated that a transfer from the Fire Department has been added and will require amending the agenda, to cover costs of replacement of the fire pump motor on the Fire Boat. Mr. Lundeen asked if this par for the course, and Mr. Kilduff replied that while the process is not ideal, the process of securing funding is required to adequately protect the town. First Selectman Stevenson added that it is atypical of the preferred process, but it is an unforeseen repair that is necessary and requires approval.

Report from the Board of Education Central Office/Mather Building Committee

Mr. Campbell read his email and provided it for the record as follows:
I would like to bring you up on the status of the two projects.

Let me start with the conversion at 35 Leroy. The hazmat, oil tank removal, and gas line to the building have all been completed. The demolition of the interior is progressing and will be completed in the next few days. The site contractor will be working next week to install the new catch basins and the site utilities. Our contract with Dappreio is \$2,406,505 which is \$93,495 below their low bid and \$48,818 below our budgeted amount. We expect the Town to be reimbursed \$200,000 for construction from the State DOE.

To date we have spent \$25,000 for architects and consultants to work for with the State DOE to get the \$200,000 construction grant and \$400,000 land purchase grant. We have moved the completion date to March 28th from Feb. 15th because of the time it took to work out contracts and then the power outage. The BOE will now move April 15th over spring break. The Mather Center occupancy will move to early October.

The Mather Center negotiations have been moving forward. Wernert and Dappreio have been looking at various changes to the original specifications. At our November 13th Building Committee meeting we reviewed the selected changes of which \$326,730 in savings was agreed to by the BC and architect. There is more work to firm up the numbers. The largest change is to the HVAC system. It needs to be confirmed by the engineer to confirm a \$170,000 savings.

At this point in time our contract would be \$3,273,270 which is \$326,730 below the budget and bid price. We are waiting for the final hazmat report before we can bid the remediation at the Mather Center. The alternate for the generator is \$195,750. This is not in our budget. I know that you want to explore a Town Hall solution to up the size of the present generator. We have until March to decide on the generator, so there is plenty of time to explore options.

First Selectman Stevenson added that the Town is under-generated and needs to look into a formal recommendation to fully operational with adequate generator capacity. She recommends this to be bundled as one project and would like to have an opportunity to discuss at future Capital Budget meetings.

PUBLIC COMMENT

Holly Schulz, 543 Hoyt Street, read her statement and provided it for the record as follows:

I'd like to ask a somewhat rhetorical question: What specific solutions have been implemented by those of you who have been in power over the past 3 years to address our long documented pedestrian safety concerns and the need for our town to have additional sidewalks?

Up on northern Hoyt Street we do not see a single change, other than more pedestrians and more traffic. No added signage has appeared despite the neighbors' best efforts to create a safer corridor for all of those using public transportation. The request for an engineered sidewalk and lighting plan has yet to be moved along so a true project cost can be identified and ultimately budgeted for. This means that there is no motivation for New Canaan to focus on this area, since this stretch primarily serves Darien residents, yet Darien hasn't shown a commitment to proceed.

My perception is that the problems aren't being progressively solved, but rather that perceived obstacles are being used to avoid progress rather than viewed as challenges to address and overcome. Action to simply appoint those who have shown an interest and commitment to this effort to a Board or Commission to help address the subject in a more appropriate way has yet to transpire. I'd be happy to serve on such a group if it ever materializes.

In my opinion, what's seriously missing here is an acknowledgement that the existing structure for how this is handled in our town is broken. Residents should not have to get to the point we're at up on Hoyt Street to ask for a project like this to be addressed. Our town planning, design and engineering professionals should be actively outlining a design plan for appropriate and desirable pedestrian corridors, breaking that down into manageable projects, and then prioritizing those along a timeline to try and accomplish the plan within a designated timeframe; the allocation of an annual sidewalks budget should accompany this. The final plan could be presented to the public for comment and voted on by the Board of Selectmen. That is how other towns have been doing this type of work for years.

We don't replace or maintain our existing sidewalks ad-hoc (I hope), so I'm not sure why the aversion to acting like this is part of the routine and ongoing Public Works responsibilities continues. Stating that we've not added any significant new sidewalk here in 25 years should be an embarrassment to us all. Clearly our tax dollars are not well spent if for all these years we have paid licensed professionals who are trained to address these types of issues, yet we continue to tie their hands behind their backs, not allowing them to do anything on this subject without the precise directive of the sitting First Selectman or this body.

Where sidewalks, crosswalks and signage go should be based on professional input (from the police and our design professionals) as well as properly weighed resident requests. Continuing to not have a plan to fund and follow will only prolong the existing stagnation, and the ire of those who have worked for years to bring these issues to light.

Thank you.

Discuss and Take Action on Commission on Aging to Amend Base Tax Relief and Veterans Assessment Relief Rates:

Mr. Pankowski presented the following:

After reviewing the Base Tax Relief rates and Veterans Assessment Relief rates for surrounding communities, the Commission on Aging voted unanimously at our meeting yesterday to ask the Board of Selectmen to look favorably on a proposal to raise both rates for the Town of Darien.

Set forth below are the current programs in place for towns and cities in Fairfield County:

<u>Town</u>	<u>Base Tax Relief</u>	<u>Veterans Assessment Relief</u>
Darien	\$41,300/\$48,500 (single/married)	\$ 1,500
Fairfield	\$60,000 (either)	\$12,000
Greenwich	\$50,000 - 60,000*	\$12,000
New Canaan	\$60,000 (either)	\$ 3,000**
Norwalk	\$45,000+ (various programs)	\$ 6,000
Ridgefield	\$55,000 (either)	\$10,000
Stamford	Up to \$85,000 (various programs)	\$ 3,000
Trumbull	\$61,000 (either)	\$ 3,000**
Westport	\$55,000 (65+, either)	\$ 6,000
Wilton	\$75,000 (either)	\$ 3,000

* 4 categories

**currently under review with a request to move it to \$ 6,000

Based on this information, we are requesting the following:

- 1) -An increase in the Base Tax Relief rate to \$45,000 for singles and \$55,000 for couples
 - 2) -An increase to the Veterans Assessment Relief rate to \$8,000
- That these figures be reviewed every one-to-three years by the Board of Selectmen.

Our Commission has worked closely with the Town Assessor's Office on this proposal and Tony Homicki is in support thereof. I would be most appreciative if you would place this matter on your agenda for an upcoming meeting.

Mr. Lundeen asked for an explanation on the reason for the low participation in this program, and Mr. Pankowski replied that it is a combination of confidentiality issues of not wanting a lien on the public records and residents may be too proud to go through the application process.

Mr. Lundeen asked if there is a track of the history of rates of the other towns and if the amounts were recently raised, and Mr. Pankowski responded that they will do research on the background on the income levels.

**** MR. BAYNE MOVED TO FORWARD TO THE BOARD OF FINANCE FOR CONSIDERATION AND REVIEW THE PROPOSED AMENDMENT OF THE BASE TAX RELIEF AND VETERAN'S ASSESSMENT RELIEF RATES.**

**** MR. CAMPBELL SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on a Resolution Approving a Settlement with the Department of Transportation for Temporary Easements.

**** MR. NIELSEN MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

WHEREAS, the State of Connecticut, through the Department of Transportation condemned certain real estate for purposes of temporary easements. This included approximately 9,688 square feet of land as more particularly described in the document attached hereto and made a part hereof

WHEREAS, these easements were located adjacent to Little Brook Road in Darien; and

WHEREAS, these easements were located between Darien and Rowayton railroad stations and were located in close proximity to the tracks; and

WHEREAS, the Town of Darien appealed to the Superior Court challenging the value assigned to the takings; and

WHEREAS, an appraisal was done by both the Town of Darien and the Department of Transportation; and

WHEREAS, in consultation with the Superior Court and at a pre-trial conducted therein, a settlement was reached whereby the State of Connecticut through the Department of Transportation, has agreed to pay the Town of Darien the sum of \$22,400.00 for the temporary easements.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Selectmen of the Town of Darien hereby approves the settlement of its appeals from the value assigned to the takings for the sum of Twenty Two Thousand Four Hundred and 00/100 (\$22,400.00).

**** MR. BAYNE SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on Assessment Appeal Settlement

**** MR. NIELSEN MOVED TO SET THE FAIR MARKET VALUE FOR THE PARKLANDS OFFICE PARK FROM \$22,082,600 TO \$14,500,000 FOR THE GRAND LIST EFFECTIVE 10/01/2008, 10/01/2009, 10/01/2010, 10/01/2011, 10/01/2012.**

**** MR. CAMPBELL SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on Board of Selectmen Meeting Schedule for 2013

The following schedule was presented.

Pursuant to Section 1-21 of the Connecticut General Statutes, the following dates of regular meetings of the Board of Selectmen are hereby established for 2013. Meetings shall be held at the Town Hall in Room 206, unless otherwise indicated.

January 7	Monday	7:45 p.m.	July 8	Monday	7:45 p.m.
January 14	Monday	7:45 p.m.	July 9*	Tuesday	8:30 a.m.
January 15*	Tuesday	8:30 a.m.	July 22	Monday	7:45 p.m.
February 4	Monday	7:45 p.m.	August 5	Monday	7:45 p.m.
February 25	Monday	7:45 p.m.	August 26	Monday	7:45 p.m.
March 11	Monday	7:45 p.m.	September 9	Monday	7:45 p.m.
March 25	Monday	7:45 p.m.	September 30	Monday	7:45 p.m.
April 8	Monday	7:45 p.m.	October 7	Monday	7:45 p.m.
April 9*	Tuesday	8:30 a.m.	October 8*	Tuesday	8:30 a.m.
April 22	Monday	7:45 p.m.	October 21	Monday	7:45 p.m.
May 6	Monday	7:45 p.m.	November 4	Monday	7:45 p.m.
May 20	Monday	7:45 p.m.	November 25	Monday	7:45 p.m.
June 3	Monday	7:45 p.m.	December 2	Monday	7:45 p.m.
June 17	Monday	7:45 p.m.	December 16	Monday	7:45 p.m.

* Joint Town Department Heads Meeting

Mr. Lundeen asked why there were meetings on consecutive weeks, and First Selectman Stevenson replied that it was usually due to a holiday or school closings.

**** MR. NIELSEN MOVED TO APPROVE THE BOARD OF SELECTMAN MEETING SCHEDULE FOR 2013 AS PRESENTED.**

**** MR. CAMPBELL SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Transfers:

**** MR. BAYNE MOVED TO AMEND THE AGENDA TO ADD THE NOROTON FIRE DEPARTMENT TRANSFER ITEM TO THE AGENDA.**

**** MR. CAMPBELL SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

1. Transfer from Contingency in the amount of \$14,480 to Account No. 10303425-82044 Marine Repair and Maintenance.

Mr. Kilduff referred to the supporting document that outlined the details of the transfer request from the Noroton Fire Department.

**** MR. NIELSEN MOVED TO APPROVE FOR REFERRAL TO THE BOARD OF FINANCE THE TRANSFER FROM CONTINGENCY IN THE AMOUNT OF \$14,480 TO ACCOUNT NO. 10303425-82044 MARINE REPAIR AND MAINTENANCE.**

**** MR. BAYNE SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

2. Transfer from Contingency in the amount of \$23,500 to Account No. 10303425-82044 Marine Repair and Maintenance.

Mr. Kilduff referred to the supporting document that outlined the details of the transfer request from the Police Department.

**** MR. BAYNE MOVED TO APPROVE FOR REFERRAL TO THE BOARD OF FINANCE THE TRANSFER FROM CONTINGENCY IN THE AMOUNT OF \$23,500 TO ACCOUNT NO. 10303425-82044 MARINE REPAIR AND MAINTENANCE.**

**** MR. LUNDEEN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Agenda Review

Mr. Bayne asked if there would be follow-up on the sidewalk issue and First Selectman Stevenson replied that per her e-mail outlining the various proposals, she would like these to be run against the new policy. She explained that Mr. Steeger is working on taking all the proposals from projects that have been presented and not yet moved forward and combining them to have an evaluation of the issue in its entirety.

Agenda Review – continued

Mr. Lundeen asked about the timeframe for this and Ms. Stevenson stated that while she does not have a specific time frame, she would like to establish a priority level of items, for example, signs are quicker to implement than lighting. Mr. Bayne asked if this would be before the budget process and First Selectman Stevenson replied that it would at least be a separate discussion.

First Selectman Stevenson requested to put the Gorham's Pond update on for an upcoming agenda when Mr. Lundeen was ready, and he replied it would be after the December 4 meeting.

APPOINTMENTS/RE-APPOINTMENTS

Consider and take action on the following appointment:

- Nanci Natale to the Monuments & Ceremonies Commission for a 3-year term beginning on December 1, 2012 and expiring on November 30, 2015.

**** MR. LUNDEEN MOTIONED TO APPROVE THE APPOINTMENT FOR THE ABOVE POSITION AND TERM AS LISTED.**

**** MR. NIELSEN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Approval of Minutes of Previous Meetings - Regular Meeting of November 5, 2012

The following corrections were requested:

Page 1: Paragraph 2: add the word “are” before some.

Page 2: Paragraph 2: correct Mr. to Ms.

Page 3: Paragraph 2, sentence 2: add “were after there.

In the first bullet point under budget summary, add the word “to” after not.

Paragraph 4: Sentence 2: Capitalize the first name of Rocky Genovese. In sentence 3:

Change got to “gave an” before easement and “allowed the cutting of” trees...

Page 4: sentence 1: Change administration to administrations.

Paragraph 3 change recover to recovery.

Page 5: In the first sentence, add the word “commuter” before parking.

Paragraph 2: add mid-year before renewal.

Public Comment: Paragraph 2, second sentence. change add to and.

Page 6: Under Agenda Review, Paragraph 2: delete fact finding.

Page 7: Replace MOTIONED with MOVED in all motions.

**** MR. NIELSEN MOVED TO APPROVE THE MINUTES OF NOVEMBER 5, 2012 AS AMENDED WITH CORRECTIONS NOTED.**

**** MR. LUNDEEN SECONDED.**

**** MOTION PASSED WITH THREE VOTES IN FAVOR, NONE OPPOSED AND ONE ABSTENTION (CAMPBELL).**

OTHER BUSINESS - There was no other business.

Adjournment

**** MR. NIELSEN MOVED TO ADJOURN.**

**** MR. CAMPBELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Marilyn Knox

Telesco Secretarial Services

Town of Darien

Board of Selectmen

November 19, 2012

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